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NOMINATIONS OF JOAN D. AIKENS AND JOHN WARREN McGARRY TO BE MEMBERS OF THE FEDERAL ELECTION COMMISSION

JULY 28 (legislative day JULY 25), 1983.—Ordered to be printed

Mr. MATHIAS, from the Committee on Rules and Administration, submitted the following

REPORT

[To accompany the nominations]

The Committee on Rules and Administration, to which were referred the following nominations: Joan D. Aikens, of Pennsylvania, to be a Member of the Federal Election Commission for a term expiring April 30, 1989 (reappointment); and John Warren McGarry, of Massachusetts, to be a Member of the Federal Election Commission for a term expiring April 30, 1989 (reappointment), having considered the same, reports favorably thereon and recommends that the nominations be confirmed.

APPLICABLE STATUTE

Section 437(c) of Title 2 of the United States Code, which relates to the appointment of members of the Federal Election Commission, provides:

§ 437c. Federal Election Commission

(a)(1) There is established a commission to be known as the Federal Election Commission. The Commission is composed of the Secretary of the Senate and the Clerk of the House of Representatives, ex officio and without the right to vote, and six members appointed by the President of the United States, by and with the advice and consent of the Senate. No more than 3 members of the Commission appointed under this paragraph may be affiliated with the same political party.

(2)(A) Members of the Commission shall serve for terms of 6 years, except that of the members first appointed—

(i) two of the members, not affiliated with the same political party, shall be appointed for terms ending on April 30, 1977;

(ii) two of the members, not affiliated with the same political party, shall be appointed for terms ending on April 30, 1979; and

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(iii) two of the members, not affiliated with the same political party, shall be appointed for terms ending on April 30, 1981.

(B) A member of the Commission may serve on the Commission after the expiration of his or her term until his or her successor has taken office as a member of the Commission.

(C) An individual appointed to fill a vacancy occurring other than by the expiration of a term of office shall be appointed only for the unexpired term of the member he or she succeeds.

(D) Any vacancy occurring in the membership of the Commission shall be filled in the same manner as in the case of the original appointment.

(3) Members shall be chosen on the basis of their experience, integrity, impartiality, and good judgment and members (other than the Secretary of the Senate and the Clerk of the House of Representatives) shall be individuals who, at the time appointed to the Commission, are not elected or appointed officers or employees in the executive, legislative, or judicial branch of the Federal Government. Such members of the Commission shall not engage in any other business, vocation, or employment. Any individual who is engaging in any other business, vocation, or employment at the time of his or her appointment to the Commission shall terminate or liquidate such activity no later than 90 days after such appointment.

(4) Members of the Commission (other than the Secretary of the Senate and the Clerk of the House of Representatives) shall receive compensation equivalent to the compensation paid at level IV of the Executive Schedule (5 U.S.C. 5315).

(5) The Commission shall elect a chairman and a vice chairman from among its members (other than the Secretary of the Senate and the Clerk of the House of Representatives) for a term of one year. A member may serve as chairman only once during any term of office to which such member is appointed. The chairman and the vice chairman shall not be affiliated with the same political party. The vice chairman shall act as chairman in the absence or disability of the chairman or in the event of vacancy in such office.

OUTLINE OF BIOGRAPHICAL INFORMATION OF COMMISSIONER AIKENS

Commissioner Aikens' most recent appointment to the Federal Election Commission occurred last year when her nomination by President Reagan was confirmed by the Senate on July 1, 1982, for the remainder of the term of a resigned Commissioner ending April 30, 1983. As one of the original Republican members of the Federal Election Commission, her work on the Commission is well known. In accordance with the original statute creating the Commission, Mrs. Aikens was nominated by the then Republican leader, Senator Hugh Scott. She was renominated by President Ford for a term expiring on April 30, 1981.

Before her nomination in 1975, Mrs. Aikens was vice president and account executive of a public relations firm in Valley Forge, Pennsylvania. She had been active in Republican politics in the state of Pennsylvania for nearly 20 years. She is a native of Lansdowne, Pennsylvania, and is a graduate of Ursinus College in Collegeville, Pennsylvania.

Outline of Information Required of Nominee Joan D. Aikens

A. BIOGRAPHICAL

1. Name: Joan Deacon Aikens.
2. Address: 1435 Fourth Street, S.W., Apartment #B-305, Washington, D.C. 20024.
3. Date and place of birth: May 1, 1928, Lansdowne, Pa.
4. Marital status: Divorced.
5. Names and ages of children: Donald R. Aikens, Jr., age 29 years.
6. Education: B.A. (1950) Ursinus College, Collegeville, Pa.
7. Employment record:

1975 to present: Commissioner, Federal Election Commission, Washington, D.C. 20463.

1974–75: Vice-President/Account Executive, Lew Hodges/Communications, Inc., Valley Forge, Pa.

1971–74: Retail Sales, Park Avenue Shop, Swarthmore, Pa.

1950–71: Homemaker.

8. Government experience: April 11, 1975 to present: Commissioner, Federal Election Commission, 1325 K Street, N.W., Washington, D.C. 20463.
9. Memberships: Executive Women in Government—Member; Medical College of Pennsylvania—Member, Executive Board of Directors.
10. Political affiliation and activities—Republican:

Pennsylvania Council of Republican Women: President, 1972–74; Vice President; Political Activities Chairman (2 years); Convention Chairman (3 years); Legislative Committee (5 years); Nominating Committee; Campaign Committee.

National Federation of Republican Women: Board of Directors, 1972–75.

Republican National Convention, 1972: Alternate-at-large.

Republican National Convention, 1968: Hospitality Chairman, Pennsylvania Delegation.

Republican National Committee: Chairman, Pennsylvania Delegation to the Women's Division, Washington Conference (1966).

Pennsylvania Republican State Committee: Member, Executive Committee 1972–74.

Delaware County (Pennsylvania) Republican Committee: Member 1968–74.

Precinct Committeewoman, Swarthmore, Pa.: Five terms.

Swarthmore Council of Republican Women: President and Political Activities Chairman.

Swarthmore Republican Headquarters: Chairman: Citizens for Nixon-Lodge; Citizens for Goldwater-Miller; and Scranton for Governor.

11. Honors and awards: Honorary Doctor of Laws (1979), Ursinus College. Collegeville. Pa.
12. Published writings: None.
13. Speeches: "Working With the Federal Election Commission," Vital Speeches of the Day, Vol. XLVII, No. 9, February 15, 1981, p. 275.

14. Qualifications: Eight (8) years in position to which I am being nominated.

B. FUTURE EMPLOYMENT RELATIONSHIPS

1. Will you sever all connections with your present employer, business firm, association or organization if you are confirmed by the Senate?

Not applicable. I am being nominated to position in which I presently serve. I have no other business associations.

2. Do you have any plans after completing government service to resume employment, affiliation or practice with your previous employer, business firm, association or organization?

No.

3. Has anybody made a commitment to employ your services in any capacity after you leave government service?

No.

4. If confirmed, will you serve your full term of office?

Yes.

5. If confirmed, will you be engaged in any business, vocation, employment, or outside activities other than related to your duties?

No.

C. POTENTIAL CONFLICTS OF INTEREST

1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients or customers.

Not applicable. I have none.

2. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated.

None.

3. Describe any business relationship, dealing, or financial transaction which you have had during the last 10 (ten) years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated.

None.

4. Describe any activity during the past 10 (ten) years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat, or modification of any legislation, or affecting the administration and execution of law or public policy.

None.

5. Explain how you will resolve any potential conflict of interest, including any that may be disclosed by your responses to the above items. (Please provide a copy of any trust or other agreements.)

Not applicable.

D. TESTIFYING BEFORE COGRESS

1. Are you willing to appear and testify before any duly constituted committee of the Congress on such occasions as you may be reasonably requested to do so?

Yes.

2. Are you willing to provide such information as is requested by such committee?

Yes.

Outline of Biographical Information of John W. McGarry

John Warren McGarry was born in Boston, Mass., attended Boston University and Holy Cross College from which he received a B.S. degee. He is a graduate of Georgetown Law School, a member of the Massachusetts Bar Association and for a period of years before his appointment to the Federal Election Commission, Mr. McGarry practiced law in his native state.

Mr. McGarry has had extensive experience in the federal electoral process for the 16 years immediately prior to his first appointment to the Commission as the Chief Counsel of the House of Representatives Special Committee to Investigate Campaign Expenditures and subsequently as the Special Counsel for the Committee on House Administration. He served for three years as Assistant Attorney General of the Commonwealth of Massachusetts.

In October 1978, Mr. McGarry began serving as a Federal Election Commissioner. He is a member of the Democratic Party.

Outline of Information Requested of Nominee, John Warren McGarry

A. BIOGRAPHICAL

1. Name: John Warren McGarry.
2. Address: 92 Parker Road, Wellesley, Mass. 02181.
3. Date and place of birth: June 11, 1922; Boston, Mass.
4. Marital status: Married; Marietta M. Ethier.
5. Names and ages of children: None.
6. Education:

   South Boston High School, Boston, Mass., September 1936 to June 1939; diploma received in June 1939.

   Holy Cross College, Worcester, Mass., September 1948 to June 1952; B.S. received in June 1952.

   Boston University, Boston, Mass., September 1953 to June 1954.

   Georgetown Law School, Washington, D.C., September 1954 to January 1956, J.D. received in March 1956.
7. Employment record:

   Clerk on floor of House for U.S. House of Representatives, September 1954 to October 1957.

   Attorney for Committee on Government Operations, U.S. House of Representatives, January 1957 to January 1959.

   Assistant Attorney General, Commonwealth of Massachusetts, January 1959 to July 1962.

   Self-employed attorney at One State Street, Boston Mass., January 1959 to September 1965.

   Senior partner in Boston Law Firm of Sheff & McGarry, September 1965 to September 1973.

   Chief Counsel, Special Committee to Investigate Campaign Expenditures, U.S. House of Representatives, July 1962 to July 1973.

(This Special Committee was formed for approximately five months every two years.)

Special Counsel, Committee on House Administration, U.S. House of Representatives, December 1973 to October 1978.

Commissioner, Federal Election Commission, October 1978 to present. (Chairman, December 1980 to January 1982.)

8. Government experience:

Clerk on floor of House for U.S. House of Representatives, September 1954 to October 1965.

Attorney for Committee on Government Operations, U.S. House of Representatives, January 1957 to January 1959.

Assistant Attorney General, Commonwealth of Massachusetts, January 1959 to July 1962.

Chief Counsel, Special Committee to Investigate Campaign Expenditures, U.S. House of Representatives, July 1962 to July 1973. (This Special Committee was formed for approximately five months every two years.)

Special Counsel, Committee on House Administration, U.S. House of Representatives, December 1973 to date.

Commissioner, Federal Election Commission, Washington, D.C., October 1978 to present. (Chairman, December 1980 to January 1982.)

9. Memberships:

American Bar Association.
Massachusetts Bar Association.
American Trial Lawyers.
Alpha Sigma Nu (Jesuit Scholastic Honor Society).
Knights of Columbus.

10. Political affiliation and activities: Member of Democratic Party.

11. Honors and awards: B.S. degree, cum laude, Holy Cross College; Alpha Sigma Nu, Jesuit Scholastic Honor Society.

12. Published writings: For every Congress from 1962 to 1977, I participated in the preparation of an election pamphlet entitled "Information of Importance to Candidates for the United States House of Representatives". From 1962 to 1973 I was the author of a biannual report setting out various election cases that had been before the House of Representatives and also recommendations for remedial legislation.

13. Speeches: (A list of Mr. McGarry's speeches are retained in the committee files.)

14. Qualifications: From 1962 to October, 1978, I was directly involved in every facet of the Federal election process initially as Chief Counsel of the Special Committee to Investigate Campaign Expenditures and in later years as Special Counsel on Elections for the Committee on House Administration in the U.S. House of Representatives. My work in those positions covered the totality of the House's involvement with elections including but not limited to: participation in the drafting and clearing for passage of the various election bills, amendments thereto and regulations arising therefrom; the investigation of complaints and contested election cases, participation in hearings, and the drafting and compilation of reports.

In October of 1978, I began serving as Commissioner of the Federal Election Commission. I handled a number of task force assignments for the Commission and in 1980 I was elected, by unanimous vote of my colleagues, to serve as Vice-Chairman and in late 1980, again by unanimous vote, I was elected to serve as Chairman of the full Commission.

B. FUTURE EMPLOYMENT RELATIONSHIPS

1. Will you sever all connections with your present employer, business firm, association or organization if you are confirmed by the Senate?

Not applicable.

2. Do you have any plans after completing government service to resume employment, affiliation or practice with your previous employer, business firm, association or organization?

No.

3. Has anybody made a commitment to employ your services in any capacity after you leave government service?

No.

4. If confirmed, will you serve your full term of office?

Yes.

5. If confirmed, will you be engaged in any business, vocation, employment, or outside activities other than related to your duties?

No.

C. POTENTIAL CONFLICTS OF INTEREST

1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients, or customers.

I have no outstanding deferred compensation agreements, and I have no continuing dealings with business associates, clients, or customers.

There are two continuing financial arrangements and they are as follows:

(a) In 1977, I sold my stock in the Boston Half Shell, Inc. and there is a pay-out agreement which will conclude in 1991.

(b) In 1983, I sold my interest in 711 Realty Trust and there is a pay-out agreement which will conclude in 1988.

2. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated.

None.

3. Describe any business relationships, dealing, or financial transaction which you have had during the last 10 (ten) years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated.

None.

4. Describe any activity during the past 10 (ten) years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat, or modification of any legislation, or affecting the administration and execution of law or public policy.

As Special Counsel on Elections for the Committee on House Administration and more recently as a Member of the Federal Election Commission, I have been directly involved with a wide variety of election bills.

5. Explain how you will resolve any potential conflict of interest, including any that may be disclosed by your responses to the above items. (Please provide a copy of any trust or other agreements.)

In my opinion, my responses will reflect that I am not involved in any conflict of interest, current or potential. However, should the Committee conclude otherwise, I will be prepared to comply with any reasonable directive the Committee may set forth to resolve such conflict.

Committee Consideration

President Reagan nominated Joan D. Aikens, and John W. McGarry for reappointments to the Federal Election Commission on June 15, 1983. The Committee on Rules and Administration held a hearing on the nominees on July 14, 1983, after the nominees promptly responded to the Committee's questionnaire. There materials, which are included in this report, were reviewed by the Committee and reveal no barriers to their service on the Commission.

In their appearances before the Committee. both nominees pledged their interest and concern that the goals and the purposes of the campaign finance laws be achieved through fair and even-handed administration of the statutes.

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